

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF DEAN ) APPEAL NO. 07-A-2182  
AND SHIRLEY BARTSCHI from the decision of the ) FINAL DECISION  
Board of Equalization of Bear Lake County for tax ) AND ORDER  
year 2007. )

**RURAL RESIDENTIAL PROPERTY APPEAL**

THIS MATTER came on for hearing October 30, 2007 in Paris, Idaho before Board Member David E. Kinghorn. Board Members Lyle R. Cobbs and Linda S. Pike participated in this decision. Appellants did not appear at hearing. Assessor Lynn Lewis and Deputy Assessor Laura Stafford appeared for Respondent Bear Lake County. This appeal is taken from a decision of the Bear Lake County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. 2751.01.

**The issue on appeal is the market value of a rural residential property.**

**The decision of the Bear Lake County Board of Equalization is affirmed.**

FINDINGS OF FACT

The assessed land value is \$21,500, and the improvements' valuation is \$28,390, totaling \$49,890. Appellants request the land and improvements' value be reduced.

The subject property is a one acre parcel upon which a 526 square foot residence sits. Subject is located in the Liberty area of Bear Lake County.

Appellants were not present at hearing, but did submit a letter with the notice of appeal filed with this Board. Appellants explained the land was leased for 99 years for the rent price of \$2,000, and the total cost of the improvements was \$8,000. Appellants described subject's amenities as; a small tool shed on the property without a foundation, and no utilities, water, electricity, or well. It was also claimed subject cannot be accessed for approximately 7-8

months out of the year because of snow. Subject is only occupied around 35 days per year.

Taxpayers also claimed an inequity in assessed values when being compared with a neighboring property. It was stated the taxes on a 27 acre parcel, North of subject, are \$200, while the taxes on subject one acre are \$368.08.

Respondent stated “buildings’ value were generated by a computer model. The model was created by market studies and improvements costs. The model then has depreciation and local cost modifiers added to estimate values for improvements which will be near sale price. This gives a market value which complies with Idaho law of being at 100% of market value.”

The County presented a land table with sales to determine the value of a one-acre site. The sales took place between 2004 and 2006, with sale prices between \$26,000 and \$72,000 for land sizes which ranged between 1.38 and 5.81 acres.

Respondent explained subject parcel is leased for 99 years, which would not make a difference in it’s value because it is real property and must be assessed at market value regardless of who owns it. Respondent further explained all properties in subject’s surrounding area are similarly assessed at market value.

The County addressed Appellants’ concern about inequitable assessment. Respondent stated the neighboring property is 20 acres with no improvements, and subject is one acre with a residence. When comparing property taxes, subject’s are \$368, which includes a \$120 garbage fee. Therefore the actual tax amount is \$248. The neighboring property’s taxes are \$239. The garbage fee is not something the County Assessor has jurisdiction to change. The County also mentioned the fact subject is unoccupied most the year does not change the

valuation.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho is a market value state for the purpose of property taxation, as defined in Idaho Code § 63-201(10):

“Market value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Additionally, Idaho Code § 63-205(1) requires real property be assessed at current market value each year as of January 1.

Respondent thoroughly detailed the methodology used to assess the subject property. The evidence illustrated compliance with Idaho’s market value standard.

The Assessor's valuation of property for the purposes of taxation is presumed correct. The Senator, Inc. v. Ada County Board of Equalization, 138 Idaho 566, 569, 67 P.3d 45, 48 (2003).

The burden falls upon the taxpayer to show by a preponderance of the evidence that the assessment is erroneous. Idaho Code § 63-511. Appellants have failed to meet that burden here.

We find Respondent sufficiently addressed the equity concerns of Appellant.

The court will grant relief where the valuation fixed by the assessor is manifestly excessive, fraudulent or oppressive; or arbitrary, capricious and erroneous resulting in discrimination against the taxpayer. Merris v. Ada County, 100 Idaho 59, 593 P.2d 394 (1979).

No discrimination against Appellants has been demonstrated.

No error in the assessed value of subject has been demonstrated by Appellant. Respondent provided sales, which further support the valuation and nothing in the record indicates that subject's assessment was arbitrary or capricious. In light of the evidence presented, the Board will affirm the decision of Bear Lake County.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Bear Lake County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED APRIL 30, 2008